

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

LIBERTARIAN PARTY OF SOUTH,)
DAKOTA; KEN SANTEMA, State Chair)
of the Libertarian Party of South)
Dakota; BOB NEWLAND;)
CONSTITUTION PARTY OF SOUTH)
DAKOTA; LORI STACEY, State Chair)
of the Constitution Party of South)
Dakota; and JOY HOWE;)

Civ. No. 15-4111-KES

Plaintiffs,)

MOTION FOR
SUMMARY JUDGMENT

v.)

SHANTEL KREBS, in her official)
Capacity as Secretary of State of)
South Dakota; and MARTY JACKLEY,)
in his official capacity as Attorney)
General of South Dakota,)

Defendants.)

Pursuant to Fed. R. Civ. P. 56(a), Defendants, by and through their attorney of record, hereby move this Court for summary judgment. Plaintiffs allege under 42 U.S.C. § 1983 that the requirements set forth in SDCL 12-5-1 violate their constitutional rights. As set forth in the accompanying Brief in Support of Summary Judgment, the Statement of Undisputed Material Facts, affidavit, and exhibits, and there being no material facts in dispute, Defendants respectfully ask this Court for judgment as a matter of law

Defendants previously moved for Summary Judgment on March 3, 2016. Doc. 25. That motion was denied. Doc. 43. As set forth in Defendants'

accompanying brief in support of the current motion, additional grounds have been presented to support Defendants' second motion for summary judgment. Further, the parties have now had the benefit of discovery. Therefore, Defendants move the Court for entry of judgment in their favor.

Dated this 15th day of July, 2016.

/s/ Ellie J. Bailey
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